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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,712	09/11/2000	Peter Heiler	A-2528	4157
24131	7590	11/15/2005	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			CRENSHAW, MARVIN P	
			ART UNIT	PAPER NUMBER
			2854	

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/658,712

**Applicant(s)**

HEILER ET AL.

**Examiner**

Marvin P. Crenshaw

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on the amendment filed on 08/24/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 3, 5 - 14 and 17 - 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 3, 5 - 14 and 17 - 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1. ☒ Certified copies of the priority documents have been received.
  - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Dietrich.

Dietrich teaches a rotatable body (Fig. 1, 9) for printing machines comprising a circumferential surface provided with a surface structure (See col. 1, line 61 and col. 2, lines 1 – 4) and formed of a nonmetallic material (See col. 1, lines 60 - 61), said circumferential surface carrying a liquid and being a ductor roller said surface structure being irregularly structured (See col. 1, line 61 and col. 2, lines 1 – 4).

With respect to claim 3, Dietrich teaches a printing machine wherein during printing, said roller is in permanent engagement (Fig. 1) with two other rollers (10 and 16).

With respect to claim 5, Dietrich teaches the nonmetallic material (See Col.1, line 61) is selected from the group of materials consisting of hard rubber and hard plastic material.

With respect to claim 10, Dietrich teaches a printing machine comprising at least one roller (Fig. 1) with a circumferential surface provided with a surface

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structure (See col. 1, line 61 and col. 2, lines 1 – 4) and formed of a nonmetallic material (See col. 1, lines 60 - 61), said circumferential surface carrying a liquid (See col. 1, lines 37 – 42) and said roller being selected from the group of rollers consisting of a slip roller and a ductor roller (9), said surface structure being irregularly structured (See col. 1, line 61 and col. 2, lines 1 – 4).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 11- 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietrich in view of Fischer (4,148,256).

With respect to claims 2 and 11-14, Dietrich teaches all that is claimed, as discussed in the above rejection of claims 1, 3, 5 and 10, except a rotatable body having a circumferential surface for carrying a viscid liquid, offset printing ink, a printing-ink emulsion and a dampening-solution.

Fischer teaches a rotatable body having a circumferential surface for carrying a viscid liquid, offset printing ink, a printing-ink emulsion and a dampening-solution (See col. 3, lines 57 - 63).

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It would have been obvious to modify Dietrich to have a rotatable body having a circumferential surface for carrying a viscid liquid, offset printing ink, a printing-ink emulsion and a dampening-solution as taught by Fischer et al. to provide an efficient means for regulating the amount of emulsion liquid in the printing application.

Claims 6, 9 and 17, 18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietrich in view of Klingler et al.

With respect to claim 6, Dietrich does not teach a surface structure is made of dimples.

Klingler et al. teaches a surface structure is made up of a multiplicity of dimples (See Col. 1, lines 30 - 35) formed in the circumferential surface.

It would have been obvious to modify Dietrich to have a surface structure is made up of a multiplicity of dimples as taught by Klingler et al. to evenly distribute the liquid to the printing plate.

With respect to claim 9, Dietrich teaches the nonmetallic material (See col. 1, line 61) is selected from the group of materials consisting of soft rubber and soft plastic material.

With respect to claim 17 and 20, Dietrich teaches a rotatable body for printing machines (Fig. 1) the rotatable body comprising a circumferential surface (See col. 1, line 61 and col. 2, lines 1 - 4), being formed of a nonmetallic material (See col. 1, lines 60 - 61) and the circumferential surface carrying a liquid and

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being a roller selected from the group of rollers consisting of a slip roller and a ductor roller.

However, Dietrich does not teach a rotatable body having a surface structure having a multiplicity of dimples formed in the circumferential surface.

Klingler et al. teaches a rotatable body (Fig. 1, 1) having a surface structure consisting of a multiplicity of dimples (See col. 1, lines 30 – 34) formed in the circumferential surface.

It would have been obvious to modify Dietrich to have a rotatable body having a surface structure selected from one of the group consisting of a multiplicity of dimples formed in the circumferential surface as taught by Klingler to provide an efficient means for transferring the liquid to the printing plate to prevent ghosting.

With respect to claim 18 and 21, Dietrich teaches a rotatable body (10) wherein the nonmetallic material is a material selected from the group consisting of soft rubber, soft plastic material, hard rubber, and hard plastic material (See col. 1, line 61).

Claims 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietrich in view of Klingler et al and further in view of Fischer (4,148,256).

With respect to claim 19 and 22, However, Dietrich as modified by Klingler do not teach a rotatable body wherein the circumferential surface carries

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a material selected from the group consisting of a viscid liquid and a dampening solution emulsion

Fischer teaches a rotatable body having a circumferential surface for carrying a viscid liquid, offset printing ink, a printing-ink emulsion and a dampening-solution (See col. 3, lines 57 - 63).

It would have been obvious to modify Dietrich to have a rotatable body having a circumferential surface for carrying a viscid liquid, offset printing ink, a printing-ink emulsion and a dampening-solution as taught by Fischer et al. to provide an efficient means for regulating the amount of emulsion liquid in the printing application.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dietrich in view of Buchwald.

With respect to claim 7, Dietrich teaches all that is claimed, as discussed in the above rejection of claims 1, 3, 5 and 10, except the surface is formed of slats.

Buchwald teaches the surface structure is formed of slats (See col. 3, lines 13 - 18).

It would have been obvious to modify Dietrich to have the surface formed as slats as taught by Buchwald to provide an effective means for eliminating water and ink ghosting problems that arise in the printing process.

With respect to claim 8, to provide the printing machine where the slats having an arithmetical average height of the surface structure is at least 12

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microns is merely a design choice for controlling the amount of liquid to be transferred to the other rollers during printing.

### ***Response to Arguments***

Applicant's arguments filed 08/24/2005 have been fully considered but they are not persuasive. Dietrich teaches a rotatable ductor roller having an irregular surface structure and the surface is for carrying a liquid. Also, Klingler et al. has been added to teach the use of having a ductor roller for carrying ink and having dimples.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marvin P. Crenshaw whose telephone number is (571) 272-2158. The examiner can normally be reached on Monday - Thursday 7:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MPC

November 9, 2005



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